

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

CRIMINAL NO. 02-20106-01

VS.

JUDGE MELANÇON

**JEFFERY THOMAS
a/k/a JEFF THOMAS, III**

MAGISTRATE JUDGE METHVIN

ORDER OF DETENTION PENDING REVOCATION HEARING

Defendant appeared for a detention hearing before the undersigned magistrate judge on February 22, 2007, in connection with an arrest on a petition for revocation of supervised release filed in this district.

Findings and Conclusions


1. The charging document was filed on December 13, 2006.
2. Defendant appeared before the undersigned magistrate judge on February 22, 2007, and waived a preliminary hearing and detention hearing.
3. Under FED. R.CR.P. 32.1(a)(6), the release of a person arrested for a violation of supervised release is governed by 18 U.S.C. §3143(a), that portion of the Bail Reform Act which governs release of convicted persons pending sentence or appeal.
4. Under 18 U.S.C. §3143(a), a person arrested for a violation of probation or supervised release must be detained pending the revocation hearing unless the court finds by "clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released." Furthermore, "[t]he burden of establishing that the defendant will not flee or pose a danger to any other person or to the community rests with the defendant." F.R.Cr.P. 32.1(a)(6)
5. In light of his waiver, defendant has failed to carry his burden of proving entitlement to release, e.g., the defendant failed to show by clear and convincing evidence that he is not likely to flee if released, or to pose a danger to the safety of any other person or the community.

Directions Regarding Detention

TO THE UNITED STATES MARSHAL:

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility pending a revocation hearing on ***March 16, 2007 at 4:00 p.m. before U. S. District Judge Tucker L. Melançon.*** The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Signed at Lafayette, Louisiana, on February 22, 2007.



Mildred E. Methvin
United States Magistrate Judge
800 Lafayette St., Suite 3500
Lafayette, Louisiana 70501
(337) 593-5140 (phone) 593-5155 (fax)